

*L.W.*  
*#7*  
Docket No. 3606-4800  
*8/21/02***PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Gillin, Korfmann and Raden

Serial No.: 09/188,810

Group Art Unit: 2761

Filed: November 9, 1998

Examiner: Geoffrey Akers

For: TRANSFER INSTRUMENT

**COMMUNICATION IN ADVANCE OF  
INTERVIEW TO TAKE PLACE ON AUGUST 13, 2002**

Dear Examiner Akers:

In advance of the interview attached are the following:

1. A draft of proposed amendments to the claims;
2. A "Diagram 'A"'; and
3. A correlation between proposed amended claim 1 and Diagram "A".

At the interview I would like to discuss, using Diagram "A" as a visual aid, how claim 1 was intended to be construed and how amended claim 1 explicitly points out that each recited element of claim 1 is performed by the transfer instrument issuer. It is believed that this clarification, will render the differences between the cited art and the claim evident. Moreover, once claim 1 is understood, the analogous aspects present in the rest of the claims will be apparent.

In addition, I would like to discuss each of the applied prior art references, if necessary.

In particular, Albrecht, like the prior Fleming reference involves two people sharing a common credit limit and each has a physical card. In contrast and as previously noted, with the invention there is no credit limit sharing – the account usable by the recipient is independent of the purchaser's account (if they even use a credit card to purchase the transfer instrument). In

718301 v1

PATENTDocket No. 3606-4000

other words, the purchaser could buy the account with cash, a traveler's check, livestock, jewelry, coins of the realm, etc. and nothing about the invention would change.

In the Van Dusen reference (as best illustrated in its FIG. 4) the entity that issues, manages and controls the account is also the merchant where the gift certificate "account" is used. A comparison of Diagram A with FIG. 4 of Van Dusen starkly demonstrates the distinctions. In addition, there is no "charge account" in Van Dusen, only a gift certificate – hence it lacks the charge account of the type for which a card is normally issued (i.e. Visa, Mastercard, Amex, Discover, JCB, etc.). The Van Dusen reference has nothing to do with a credit card account issuer at all and doesn't need one.

Taken in context, no combination of Albrecht (or any other cited reference) and Van Dusen could remedy the "without the provision of a physical card" of the claims. The Albrecht and other similar references use physical cards and create and require a relationship between two people's accounts. In addition, since the entity in Van Dusen that issues the gift certificate is also the only entity at which the gift certificate can be used there is no need for a "charge account" it is more like having a credit balance at a store after a refund. Accordingly, it lacks the requisite universality feature provided by the present invention (as reflected in claim language about the merchant and the transfer instrument issuer being independent from each other).

O'Mahoney also adds nothing to the references because it merely describes an arrangement that maps a random number to a person's actual credit card number and details( i.e., it allows one to set up a proxy for their card instead of using their actual card). However, it is still that person's card being used. In other words, if the person then gives the "virtual credit card" information to someone else, it is still the giver's credit that is at stake. On that point, it is no different than if the cardholder gave the actual credit card information to someone else.

**PATENT****Docket No. 3606-4000**

The Picciallo reference, like Fleming, discusses a credit card system where each party gets a physical card and the first party maintains control of, and a connection to, a second party's usage. Specifically, the first party transfers funds from a pre-established account for usage by the second party and sets limits on the goods or services that can be purchased by the second party. See col. 3, lines 14-23.

To varying degrees, the distinction points between the invention and the cited art are present in independent claims 1, 5, 22, 30, 31-33, 35, and 37-40, as proposed to be amended, and I will go through these during the interview.

The other proposed amendments are more clerical, for example, they remove the possibility of claims being mistakenly treated as "step-plus-function" (claims 5, 31-32 and their dependent claims), fix an improper dependency (claim 15), and harmonize term usage with other claims (claims 22, 33-35).

I look forward to speaking with you regarding the above.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: August 2, 2002

By:   
Richard Straussman  
Registration No. 39,847

**CORRESPONDENCE ADDRESS:**  
MORGAN & FINNEGAN LLP  
345 Park Avenue  
New York, New York 10154  
(212) 758-4800  
(212) 751-6849 Facsimile

Application No. 09/188,810 to Gillin et al.

Page 1 of 13

**DRAFT PROPOSED AMENDMENTS TO CLAIMS  
FOR DISCUSSION AT AUGUST 13, 2002, 3:00PM INTERVIEW  
NOT FOR ENTRY**

- 1        1. A method performed by a transfer instrument issuer comprising:
  - 2                acquiring a plurality of charge accounts, from an account issuer, of a type
  - 3                normally issued with an associated physically producible card which may be presented as
  - 4                evidence of an existing charge account, the physically producible cards bearing human readable
  - 5                account numbers and expiration dates, the plurality of charge accounts being capable of being
  - 6                gifted to a party, after acquisition;
  - 7                receiving a request from a first party to gift a charge account to a second party
  - 8                having a name, without both the issuance and provision of a physical card for the charge account
  - 9                to the second party, the first party and the second party being different from each other the
  - 10          charge account being usable in the name of the second party at any merchant, unrelated to the
  - 11          transfer instrument issuer, who is capable of seeking authorization, using an authorization
  - 12          infrastructure, for purchases involving charge accounts for which the physically producible cards
  - 13          are issued, whether or not the physical cards evidencing the accounts are presented by purchasers
  - 14          when a purchase is made;
  - 15          accepting an account parameter selected by the first party,
  - 16          informing the second party of the account by sending an e-mail to the second
  - 17          party, the e-mail containing a greeting selected by the first party and directing the second party to
  - 18          perform a specified action in order to cause an activation of the account with the transfer
  - 19          instrument issuer;
  - 20          activating the account for usage by the second party according to the account
  - 21          parameter;

Application No. 09/188.810 to Gillin et al.

Page 2 of 13

22 receiving an indication that the second party has made a purchase from a  
23 merchant, unrelated to the transfer instrument issuer entity, using the account; and  
24 undertaking a settling transaction involving the account with the issuing bank  
25 after the usage of the account by the second party without involvement of the first party.

1        2. The method of claim 1 further comprising : [the step of]  
2                 providing a purchaser accessible interface via the world wide web through which  
3 the first party can present the request to gift the charge account to the second party.

1        3. The method of claim 1 further comprising : [the step of]  
2                 establishing an account for storage of funds usable by the transfer instrument  
3 issuer for undertaking a settling transaction with the account issuer for settling an economic  
4 transaction associated with one of the plurality of charge accounts.

1        4. The method of claim 1 wherein the activating step further comprises : [the step of]  
2                 ensuring that the authorization infrastructure will authorize the purchase from the  
3 merchant as long as an account activity parameter is not violated.

1        5. A method performed by a transfer instrument issuer comprising:  
2                 a) receiving a request from a first party for a gift certificate for a second party  
3 having a name, the gift certificate being an indication of a charge account, obtained by the  
4 transfer instrument issuer from an account issuer different from the transfer instrument issuer,  
5 but without both an issuance and provision of a physical card for the charge account or provision  
6 of a presentable gift certificate to the second party, the charge account:  
7                         i)         being usable solely in the name of the second party;

Application No. 09/188,810 to Gillin et al.

Page 3 of 13

8                   ii)       having an associated first party selectable account parameter; and  
9                   iii)      being capable of having a purchase made using the account authorized  
10     using an authorization infrastructure of a card association associated with an account issuer;  
11                  b)       informing the second party of the account; and  
12                  c)       activating the account for usage by the second party.

1                 6.      The method of claim 5 further comprising : [the step of]  
2                   acquiring a plurality of charge accounts from the account issuer and capable of  
3     being gifted, after acquisition.

1                 7.      The method of claim 5 further comprising : [the step of]  
2                   accepting a backing payment from the first party.

1                 8.      The method of claim 5 further comprising [the step of]:  
2                   receiving a selection of the account parameter from the first party, the selection  
3     being one of, a specified value, a maximum credit limit, a delivery date, a start date, an  
4     expiration date, a duration, a billing address, a location for funds from which charges by the  
5     second party will be paid, a notification method, or a usage notification arrangement.

1                 9.      The method of claim 5 wherein the informing [step] further comprises: [the step  
2     of]            sending an e-mail to the second party.

1                 10.     The method of claim 5 wherein the informing [step] further comprises: [the step  
2     of]            directing the second party to a website associated with transfer instrument issuer  
3     to initiate the activating of the charge account indicated by the gift certificate.

Application No. 09/188.810 to Gillin et al.

Page 4 of 13

- 1        11.      The method of claim 5 further comprising : [the step of]  
2                  allowing the first party to select a greeting to the second party.
  
- 1        12.      The method of claim 5 further comprising : [the step of]  
2                  sending a thank you notification to the first party from the second party.
  
- 1        13.      The method of claim 5 further comprising : [the step of]  
2                  requiring the second party to take a specified action with the transfer instrument  
3                  issuer before performing the activating [step].
  
- 1        14.      The method of claim 5 wherein the informing [step] comprises an online portion  
2                  and an offline portion.
  
- 1        15.      The method of claim 13 [14] wherein the online portion comprises at least two  
2                  parts, one of the parts involving a different medium than another of the parts.
  
- 1        16.      The method of claim 5 wherein the receiving step further comprises : [the step of]  
2                  processing the request using information provided by the first party in an online  
3                  purchase form.
  
- 1        17.      The method of claim 5 further comprising : [the step of]  
2                  providing an accessible URL address for facilitating the receiving the selection  
3                  [step].
  
- 1        18.      The method of claim 5 further comprising : [the step of]  
2                  providing an accessible URL address for facilitating a response by the second  
3                  party to the informing [step].

Application No. 09/188,810 to Gillin et al.

Page 5 of 13

1        21. The method of claim 5 wherein the charge account is one of a MasterCard or  
2 VISA account and a transaction involving the second party and the charge account is authorized  
3 in the same manner as would be done for a mail order/telephone order purchase transaction  
4 involving MasterCard or VISA accounts for which physical cards have been issued.

**22. A method performed by a transfer instrument issuer comprising:**

2                   a)       making an instrument, of a purchaser selectable value, available for

3                   purchase online by a first [person] party in a name of a second [person] party, a purchase of

4                   which will result in the transfer instrument issuer maintaining [of] a payment card account

5                   associated with the second [person] party, although no physical card is both issued for the

6                   account and provided to the second [person] party at a time when the second [person] party uses

7                   the payment card account, the payment card account being maintainable by the transfer

8                   instrument issuer so that when an economic transaction with a merchant, other than the transfer

9                   instrument issuer, occurs in accordance with the instrument parameters, the economic transaction

10                  will be authorized using the authorization infrastructure of a card association authorization entity

11                  normally used to authorize transactions involving a physical payment card account; and

12                  b)       invoking a notification procedure in response to the purchase.

Application No. 09/188,810 to Gillin et al.

Page 6 of 13

1        23.     The method of claim 22 wherein the payment card account is one of:

2              i)     a credit card account obtained from an account issuer different

3     from the transfer instrument issuer whereby an outstanding balance due need not necessarily be

4     paid at the end of a billing period;

5              ii)    a debit card account obtained from an account issuer different from

6     the transfer instrument issuer whereby at the time of the economic transaction with the merchant,

7     an amount for the economic transaction is transferred from the payment card account held by the

8     transfer instrument issuer to the merchant; or

9              iii)    a charge card account obtained from an account issuer different

10    from the transfer instrument issuer whereby an account balance must be paid in full at the end of

11    a billing period

1        24.     The method of claim 23 wherein the invoking step is followed by the step of

2     sending an e-mail to the second [person] party.

1        25.     The method of claim 24 further including the step of executing a process which

2     will construct a transfer instrument according to a template selected by the first [person] party.

1        26.     The method of claim 23 further comprising the step of acting according to a post-

2     purchase criteria.

1        27.     The method of claim 26 wherein the acting step includes one of:

2              a)     informing the first [person] party that a use of the payment card account

3     has occurred;

717238 v1

Application No. 09/188.810 to Gillin et al.

Page 7 of 13

- 4                   b)       informing the first [person] party of when a use of the payment card  
5 account has occurred; or  
6                   c)       identifying the merchant to the first [person] party.

1                  28.      The method of claim 23 further comprising [the step of]:  
2                         allowing the second [person] party to specify a criterion related to a use of the  
3 payment card.

1                  29.      The method of claim 23 further comprising [the step of]:  
2                         providing redemption instructions to the second [person] party.

1                  30.      A method performed by a transfer instrument issuer comprising:  
2                         issuing, to a recipient, an online certificate which is linked to a national card  
3 account of a plurality of national card accounts obtained by the transfer instrument issuer from  
4 an account issuer different from the transfer instrument issuer, without both issuing and  
5 providing a physical card for the national card account to the recipient of the online certificate,  
6 the online certificate having been purchased by a purchaser, who is not also the recipient, and  
7 containing all information necessary for the purchase of at least one of goods or services from  
8 any merchant who is capable of processing economic transactions involving one of the plurality  
9 of national card accounts for which a physical card has issued, but without presentation of the  
10 physical card.

1                  31.      A method performed by a transfer instrument issuer of providing for purchase of a  
2 gift comprising [the steps of]:

Application No. 09/188.810 to Gillin et al.

Page 8 of 13

3                   a) assigning a credit card account to a first [party] person at the request of a  
4 second [party] person, upon tender by the second [party] person of a request to charge a credit  
5 card belonging to the second [party] person in amount at least as great as a maximum credit limit  
6 to be available for the first [party] person when a purchase is made by the first [party] person as a  
7 gift of the second [party] person using the credit card account, the credit card account having  
8 been obtained by the transfer instrument issuer from an account issuer different from the transfer  
9 instrument issuer, the credit card account being independent of any account associated with the  
10 credit card belonging to the second person and being usable by the first [party] person in the first  
11 [party's] person's name and with no physical card for the credit card account being both issued  
12 and provided to the first [party] person at the time:

13                   i) the purchase is made using the account,  
14                   ii) an authorization for the purchase is sought by a merchant using the  
15 authorization infrastructure, and  
16                   iii) an approval is received by the merchant over the authorization  
17 infrastructure,  
18 all occur.

1                 32. A gift of credit method performed by a transfer instrument issuer comprising :  
2 [the steps of:]

3                   a) receiving an online request from a first party to transfer credit, as a gift, to a  
4 second party;  
5                   b) charging a credit card belonging to the first party in a first amount;  
6                   c) assigning a credit card account [issued by a bank] to a second party having a  
7 credit limit related to the first amount, obtained by the transfer instrument issuer from an issuing

Application No. 09/188,810 to Gillin et al.

Page 9 of 13

8       bank the credit card account being independent of the credit card belonging to the first party, the  
9       credit card account being one of a plurality of credit card accounts of a type wherein:  
10           i)      physical cards are issued to people named on the accounts,  
11           ii)     the physical cards are usable to make a purchase on credit of at least one  
12       of goods or services, and  
13           iii)    authorization of charges to the accounts are performed using an  
14       authorization infrastructure of a card association of which the bank is a member;  
15           d)      informing the second party of the credit card account, the credit card account  
16       being usable by the second party in the second party's name without any financial liability being  
17       borne by the second party as a result of a use of the credit card account, and no physical card for  
18       the credit card account being both issued and provided to the second party at the time an  
19       authorization for an economic transaction between the second party and a merchant unrelated to  
20       the transfer instrument issuer is performed, using the authorization infrastructure, [whereby,  
21       when the use of the credit card account occurs the second person will be using credit of the first  
22       person.]

1       33.    A method performed by an account issuer comprising:  
2           a)     providing a plurality of zero value debit card accounts to a [first party] transfer  
3       entity, and assignable to a [second] user party at the request of a [third] requestor party, the  
4       accounts being of a type wherein  
5           i)      physical cards are issued to people named on the accounts,  
6           ii)     the physical cards are usable to purchase at least one of goods or services,  
7           iii)    authorization of uses of the accounts are performed using a card  
8       association authorization infrastructure, and

Application No. 09/188,810 to Gillin et al.

Page 10 of 13

9                          iv)    balances in the accounts are debited as a result of the purchase of the at  
10 least one of goods or services,  
11 an assignment from the [first party] transfer entity to the [second] user party to occur upon tender  
12 by the [third] requestor party of an amount at least as great as a maximum value to be available  
13 when a purchase is made using the account, the account being usable by the second party in the  
14 second party's name and no physical card for the account being both issued and provided to the  
15 second party at the time an authorization is performed, using the card association authorization  
16 infrastructure, as a result of the second party purchasing one of goods or services using the  
17 account.

1                          34.    The method of claim 33 comprising the further step of:

2                          b)    authorizing a purchase transaction involving the [second] user party, a retail  
3 merchant independent from the transfer entity and the account.

1                          35.    A method performed by an account issuer comprising:

2                          a)    providing a plurality of zero balance credit card accounts to a [first party] transfer  
3 entity assignable to a [second] user party at the request of a [third] requestor party, the accounts  
4 being of a type wherein

5                          i)    physical cards are issued to people named on the accounts,

6                          ii)   the physical cards are usable to purchase at least one of goods or services  
7 on credit, and

8                          iii)   authorization of charges to the accounts are performed using a card  
9 association authorization infrastructure, and

Application No. 09/188,810 to Gillin et al.

Page 11 of 13

10                  iv) credit is extended as a result of the purchase of at least one of goods or  
11 services using the accounts unless there is an offsetting balance in the account at the time of  
12 posting,  
13 an assignment from the [first party] transfer entity to the [second] user party to occur upon tender  
14 by the [third] requestor party of an approval to charge a major credit card of the third party, in an  
15 amount at least as great as a maximum credit line to be available for the account when a purchase  
16 is made using the account, the account being usable by the second party in the second party's  
17 name and no physical card for the account being both issued and provided to the second party at  
18 the time an authorization is performed, using the authorization infrastructure, as a result of the  
19 second party purchasing one of goods or services using the account.

1                  36. The method of claim 35 comprising the further step of:

2                  b) noting a clearing transaction for the account as a result of a usage of the account  
3 by the [second] user party.

1                  37. A system comprising:

2                  a database having at least one table, and  
3                  a processor coupled to the database, the database being configured to, under control of  
4 the processor, maintain a record of a payment card account held by a transfer instrument issuer,  
5 and registered to a first person at the request of a second person, and for which, at no time at, or  
6 before, a time the second person buys from a merchant unrelated to the transfer instrument issuer,  
7 and pays by referencing the payment card account, no physical card for the payment card  
8 account will have been provided to the second person.

717238 v1

Application No. 09/188,810 to Gillin et al.

Page 12 of 13

## 1        38.     A system comprising:

2              an interface to the internet, the interface being correlated to an IP address for a webpage;

3        and

4              a processor capable of displaying the webpage to a person connected to the internet, the  
5        webpage including a link which, when selected, will connect the person to a server having a  
6        communicative relationship with a database, the database being configured to maintain a records  
7        of payment card accounts held by a transfer instrument issuer and obtained from an issuer entity  
8        unrelated to the transfer instrument issuer, the accounts being of a type for which a physical card  
9        normally is provided to an individual to whom an account is registered, one of the payment card  
10      accounts being registerable to a first person at the request of a second person, the payment card  
11      account being maintained such that, at the time the second person buys from a merchant  
12      unrelated to the transfer instrument issuer and provides payment by referencing the payment card  
13      account, no physical card for the payment card account will have been provided to the second  
14      person.

## 1        39.     A transfer instrument comprising:

2              a processor accessible storage media; and

3              a database record located on the storage media, the database record including a plurality  
4        of fields, the fields being configured for holding data which will allow a person to make a  
5        purchase, using a payment card account indicated by the record, as if the payment card account  
6        had an associated physically presentable card in a name of the person even though, at or before a  
7        time when the payment card account the account is used to make the purchase, no physical card  
8        will have been both issued and physically provided to the person, the payment card account

Application No. 09/188,810 to Gillin et al.

Page 13 of 13

9 being held by a transfer instrument issuer and obtained by the transfer instrument issuer from an  
10 issuer entity unrelated to the transfer instrument issuer.

1 40. A method comprising:

2 converting a first payment card account of a first type, for which a payment card has  
3 issued and been provided to a first person, the first payment card account being usable solely in a  
4 name of the first person, into a second payment card account of a second type, the second  
5 payment card account being independent of the first payment card account and [.] usable by a  
6 second person, having a name different than the name of the first person, without issuing and  
7 providing a physical card for the second payment card account of the second type to the second  
8 person at a time of, or prior to, the second person uses the [or the] second payment card account of  
9 the second type in a purchase transaction with a merchant unrelated to an issuer entity for the  
10 second payment card account.

1 41. The method of claim 5 wherein [step] b) occurs at substantially the same time as  
2 [step] c).

1 42. The method of claim 5 wherein [step] c) occurs before an indication is received  
2 that [step] b) is complete.

1 43. The method of claim 5 wherein [steps] a), b) and c) occur in sequence.

Application Serial No. 09/188,810

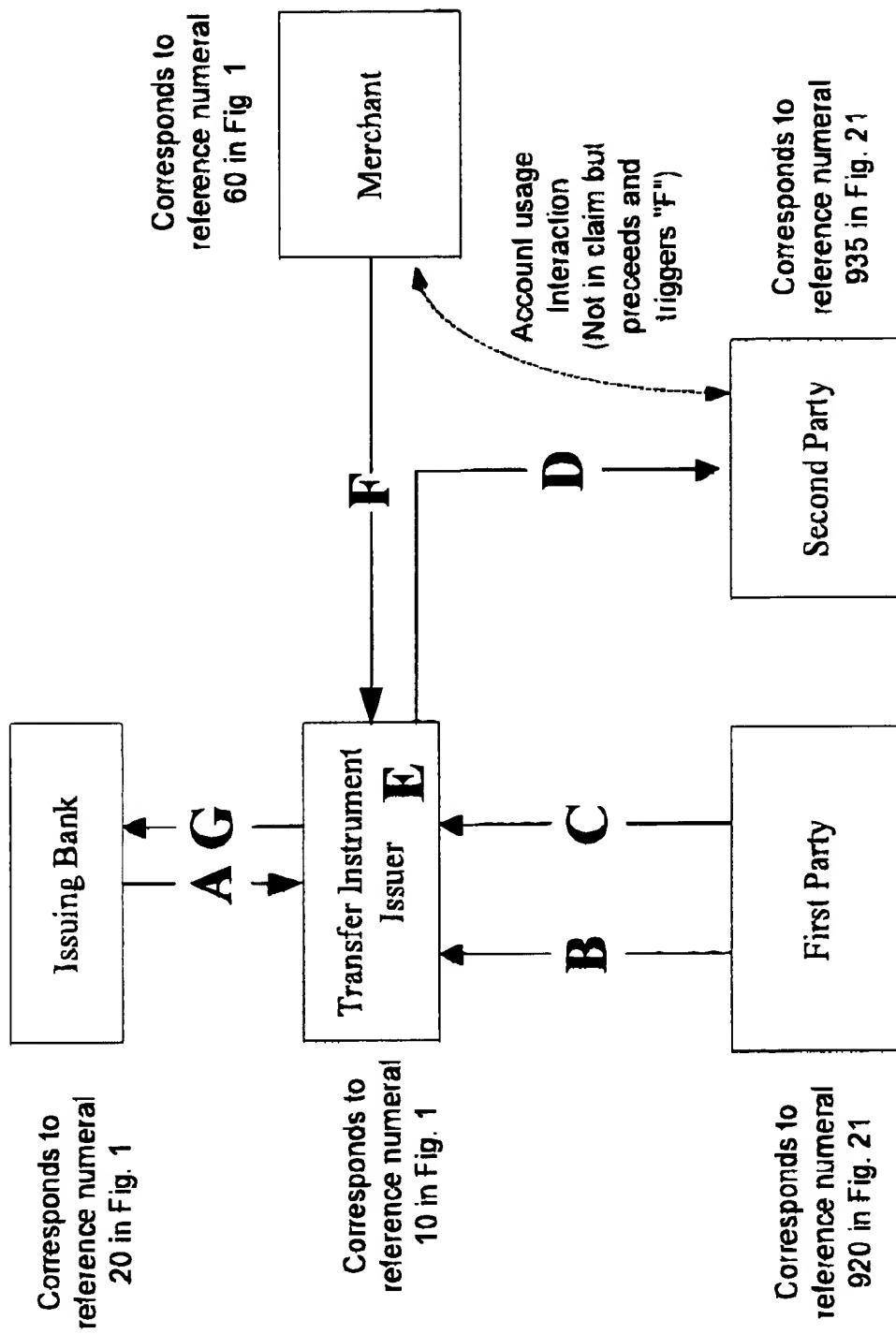


DIAGRAM "A"

## AMENDED CLAIM I CORRELATION TO DIAGRAM "A"

ACTION SHOWN  
IN DIAG. "A"PROPOSED AMENDED CLAIM LANGUAGE

1. A method performed by a transfer instrument issuer comprising:
  - A. acquiring a plurality of charge accounts of a type normally issued with an associated physically producible card which may be presented as evidence of an existing charge account from an account issuer, the physically producible cards bearing human readable account numbers and expiration dates, the plurality of charge accounts being capable of being gifted to a party, after acquisition;
  - B. receiving a request from a first party to gift a charge account to a second party having a name, without both the issuance and provision of a physical card for the charge account to the second party, the first party and the second party being different from each other the charge account being usable in the name of the second party at any merchant, unrelated to the transfer instrument issuer, who is capable of seeking authorization, using an authorization infrastructure, for purchases involving charge accounts for which the physically producible cards are issued, whether or not the physical cards evidencing the accounts are presented by purchasers when a purchase is made;
  - C. accepting an account parameter selected by the first party,
  - D. informing the second party of the account by sending an e-mail to the second party, the e-mail containing a greeting selected by the first party and directing the second party to perform a specified action in order to cause an activation of the account with the transfer instrument issuer;
  - E. activating the account for usage by the second party according to the account parameter;
  - F. receiving an indication that the second party has made a purchase from a merchant, unrelated to the transfer instrument issuer, using the account; and
  - G. undertaking a settling transaction involving the account with the issuing bank after the usage of the account by the second party without involvement of the first party.